

COURT OF APPEALS  
DIVISION TWO  
OF THE STATE OF WASHINGTON

FILED  
COURT OF APPEALS  
DIVISION II

STATE OF WASHINGTON )

Respondent, )

v. )

FERNANDO HODGSON )

(your name) )

Appellant. )

2015 AUG 28 PM 2:01

STATE OF WASHINGTON

No. 46741-1-ITY

DEPUTY

STATEMENT OF ADDITIONAL  
GROUNDS FOR REVIEW

I, Fernando Hodgson, have received and reviewed the opening brief prepared by my attorney. Summarized below are the additional grounds for review that are not addressed in that brief. I understand the Court will review this Statement of Additional Grounds for Review when my appeal is considered on the merits.

Additional Ground 1

In regards to the DNA sample on the floral sheet. There was a third stain on the sheet which was not examined. I had mentioned this to my attorney but nothing was ever done about it. I believe that if re-examined and tested again with a sample from Amy Gennell that this might be a match and would prove my original story to my attorney to be correct. Also the sheet itself was too neatly folded unlike the rest of the bedding which was thrown in the bags as if just taken off the bed and not off or out of a cupboard or shelf. In other words it was out of place with everything else.

Additional Ground 2

The way in which the bedding was gathered still is a question to me and concern. Everything was gathered by Amy Gennell and her friend Sara. I feel this should have been done by the responding officer as is follow proper protocol. During this A.G and Sara both also stated that all bedding was placed in plastic bags which they do not recall where they came from in the house. The police officer stated that they (A.G and Sara) had put the bedding in paper back bags which he got from his cruiser.

CONTINUE ON Pg. 2 →

If there are additional grounds, a brief summary is attached to this statement.

Date: 25 AUGUST 2015

Signature: Fernando Hodgson

## ADDITIONAL GROUNDS

8-25-15

I feel that when all the bedding was gathered up by the two women the police officer at the scene might have missed something. He did not document the items as they were removed from the bed. He also did not see where the plastic bags came from and if they were empty or already had items in them. (Any had clothing items in a plastic bag which was going to be donated to Goodwill.) In a sensitive case like this the police should have photographed and bagged all the items so as not to contaminate or miss anything.

The officer stated during questioning that all the items were placed into paper evidence bags, when Amy and Sara were called to the stand they stated that all the bedding was put into plastic bags. It seems that someone is not telling the whole truth about what went on that night with what appeared to be no proper procedure in place. Once all the bedding was gathered the police never even questioned Melody, they did not take her to be examined claiming that because it was late and due to the fact that she was asleep it could wait until another day. Melody did not even remember having her bedding or pajamas being changed on the night of the 15<sup>th</sup> even though there were lights on and people talking. Anybody else would surely have been awake if this was happening to them.

During the whole trial and also interviews leading up to it, Melody and even Amy keep either changing their stories or can't seem to remember anything. It is not until Melody is helped or coached about certain things that she appears to vaguely recall something. Several times she even states that Amy had told something or perhaps that something could have happened. She was never 100% sure of any of her statements, could never recall things without coaching, and always appeared

to be guessing when asked a question.

Claiming that she saw my penis under the covers while pretending to look for a stuffed animal would have been impossible. First off, I was never exposing myself to her, second even if that would have been the case the lighting in the room was not enough to allow for anyone to see under any covers. The only light at the time was a night light in the far corner of the room. She claims I was rubbing my penis on her bottom, then at another time she doesn't really know if it was actually her bottom, or her back or whether it was even my penis or hand. During her interviews with the coroner she pointed to her lower back and said that was the only spot, yet through the prosecutor he bases it on the statement in which she claims it was my penis on her bottom.

I thought that I was doing her a favor by reading and laying with her, which is what I do with my own children and have never had such insane allegations. If Melody had not asked me herself that I lay with her after reading her a story I never would have done it. I only did because she asked me to and only after getting the go ahead from her mother Amy.

The time span from in which Amy first talked to Melody and called 911 is rather questionable. Why would you wait over 30 minutes to call the police if your child had told you something like that? It would have been my first instinct to call 911. She not only waited all that time, but was texting her friend Sara asking for advice. Amy never even asked me about what Melody had said to her, nor did she confront me about it, her only words to me were

"You need to sleep on the couch tonight," and "I want you to move out by the end of this weekend." Never once did she give me a reason for her words even after I asked over and over what was going on.

My final concern in the matter is the incident exposure charge I was convicted of. Once again there is a claim from Willow later on saying that I went into her room while she was asleep and pulled out my penis and sat on her bed and shaved it to her. I never did such a thing, and besides if that had been the case why did she not mention the piercing like Melody had? The only time the girls saw me naked was when Amy and I were getting out of the shower and both of them came in and saw us like that. I feel that the whole incident was made up after Melody said that she saw me naked one day when I was home alone with the girls and had just got out of the shower. I was next to my bed drying off and she opened the door and walked in and saw everything. I covered up and asked her to leave and proceeded to get dressed.

Willow liked to repeat and do everything that her older sister did and at times did tend to make up or exaggerate things. I understand Amy's concern as a parent, but I also feel that she jumped to conclusions and not really getting a good answer from Melody tried to coach her on what Melody thought had happened.

On Nov. 16<sup>th</sup> 2013 Amy willingly and knowingly found my checkbook, and forged my signature on one of the checks

totalling \$500<sup>00</sup>. I believe she did all that knowing that I had money in the bank and would have continued to write more checks if it had not been for my ex-wife finding that \$500<sup>00</sup> gone when I asked her to withdraw some money and deposit it some on my phone account at county jail. If that was part of her original plan we will never know, but I feel that by her stealing that much money ~~she~~ so soon after I was arrested she had planned that ahead of time.

My last and final grounds I feel are worth looking more into is my booking into county jail. The booking deputy Mr. McGear stated at trial that he strip searched me and saw my piercing at that time. This is a total untruth, the only thing he did is put me down at the receiving desk, had me remove my shoes and socks and jewelry. When asked if I had anything else to remove I informed him that I did and needed some pliers for that. He then put me into another room and brought me jail clothes and the pliers I needed. While I was changing Det. Phelps came to the door and started questioning me about the piercing. He wanted to know where it was and how it was held in, I told him how it all went and then he went back and talked to Mr. McGear. During trial Mr. Phelps stated that he never left the booking counter and only had spoken with McGear about me. If video tapes were checked from that day you would see that I am right about the fact that they both lied on the stand.

I truly hope that all the above information is helpful to the courts, and that you will be able to see and conclude just as myself and my attorneys in

county saw as a total lie from the police, victims, and other parties involved. There is just too many discrepancies on their stories that don't add up.

In closing I just ask that you please examine the above information closely and see for yourselves all the inconsistencies. Thank you for your time.

Sincerely,

Fernando Jodgear